IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 17918 of 2004

Between:

PANUMALA SUJATHA, D/o. P. Pedda Raju,
R/o. 8-2-603/A/119/2, Banjara Hills, Hyderabad.

..... PETITIONER

AND

The Regional Passport Officer, Office Situated Near Prashant Theatre,
Kummarguda, Secunderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue and appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent in not issuing new passport on fresh application to the petitioner with date of birth entered as 5-8-1976 instead of 10-6-1961 as highly illegal and arbitrary, any other relief deemed fit and proper be also granted to the petitioner

Counsel for the Petitioner:MR.ABDUL NAJEEB KHAN

Counsel for the Respondent No.: MR.A.R.AJASHEKAR REDDY (SC FOR CG)

The Court at the stage of admission made the following ORDER:

Heard learned counsel for the petitioner and learned standing counsel for the respondent.

The case of the petitioner is that her actual date of birth is 05.08.1976, but in the passport issued to her by the respondent, her date of birth is wrongly mentioned as 10.06.1961, and that though she submitted an application to the respondent to alter the date of birth in the passport and issue fresh passport, the respondent is refusing to entertain the application on the ground that they have no power to make correction of date of birth in the passport. Hence, she filed the present wit petition.

It is pertinent to note here that in pursuance of the Judgment of the High Court of Judicature at Bombay, in W.P.No.1072 of 2000, the Government of India issued instructions/clarifications in Circular dated 18.04.2001, which are to the following effect:

a. Where an applicant is seeking rectification/correction of a mistake in the entry on date of birth/place of birth in the passport, PIA (Passport Issuing Authority) may after verifying/satisfying himself, effect the correction treating the same as a technical correction. There is no need for a declaratory order in such cases.

b. Where a competent authority issuing a birth certificate or an educational board registering a date of birth along with

place of birth as valid were to issue any correction or amendment, PIA may effect the necessary amendment in the passport without insisting on a Court order. As per the provisions of Section 21 of the General Clauses Act, 1997, a competent authority issuing a certificate could also make necessary amendments to the same.

c. Where the initial entry has been made on the basis of a supportive document issued by one competent authority, i.e., School/educational authority and the applicant subsequently requests for a change on the basis of a certificate issued by another competent authority i.e. municipal authorities resulting in conflicting sources of valid proof, the PIA should direct the applicant to obtain a civil order from a competent court of jurisdiction, certifying the valid age of birth/place of birth.

In view of the above said instructions, I deem it appropriate to dispose of the writ petition with a direction to the respondent to receive the application of the petitioner for correction of date of birth in the passport/issuance of fresh passport, and process the same after verifying the genuineness or otherwise thereof basing on the documents the petitioner may file in support of her case for change of date of birth, in the light of the aforementioned guidelines, and pass appropriate orders.

With the above directions, the writ petition is disposed of. No costs.

05.10.2004

ksld

To

1 The Regional Passport Officer, Office Situated Near Prashant Theatre, Kummarguda, Secunderabad.

2 Two CD copies.